

PAUL BERRY,)	
)	
Plaintiffs,)	
)	Case No. 4:08CV776 HEA
vs.)	
)	
)	
JERRY COX, d/b/a COX BAIL)	
BONDS,)	
)	
Defendant.)	

This matter is before the Court on Plaintiff's Motion to Substitute Deceased Party, [Doc. No. 43]. Counsel for deceased Defendant Cox has filed a verified copy of Defendant's Last Will and Testament. Counsel argues that because Defendant's Last Will and Testament provided transferred all assets at the time of his death to his wife and children, no estate will be opened and that there is nothing for Plaintiff to sue against or obtain.

In his Last Will and Testament Defendant Cox, directed the payment of all lawful debts, and although Defendant Cox authorized independent administration of his estate, he did appoint his wife, Jeannette Cox as his personal representative. As such, adjudication of this matter may result in the determination that Plaintiff is owed a debt from decedent.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Substitute Deceased Party, [Doc. No. 43], is granted.

IT IS FURTHER ORDERED that Jeannette Cox, in her capacity as personal representative of the estate of Gerald W. Cox, Sr., is substituted as defendant herein.

Dated this 14th day of February, 2011.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in dark ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE